

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 3. This sheet, which includes Fig. 3, replaces the original sheet including Fig. 3.

Attachment: Replacement Sheet (1)

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-17 are pending in the present application. Claims 1, 4, 9, 10, 11, 13, and 14 are amended by the present amendment.

In the outstanding Office Action, the drawings were objected to; and Claims 1-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Isomura et al. (U.S. Patent No. 6,285,783, herein "Isomura").

Regarding the objection to the drawings, Figure 3 is amended as shown in the attached replacement figure. It is noted that originally filed Figure 3 erroneously shows reference numbers 51, 52, 53, 55, and 56 pointing to the same object. Amended Figure 3 correctly identifies each shown element by its reference number, consistent with the description found in the specification at page 9, lines 16-26. No new matter has been added. Thus, new Figure 3 shows the "sample" 50, the "first inspection region" corresponding to the rectangular region including chip A and surrounded by the hatched region, the "second inspection region" corresponding to the rectangular region including chip A' and surrounded by the hatched region, the "first pattern" corresponding to chip A, and the "second pattern" corresponding to chip A'. Further, the "position recognizing unit" corresponds to system 28, the "signal output" corresponds to the photodiode array 15, and the "control unit" corresponds to the scan timing controller 40, shown for example in Figures 1 and 10. No new matter has been added. Accordingly, it is respectfully requested this objection be withdrawn.

In view of the rejections of the claims on the merits, independent Claims 1 and 9 have been amended to more clearly recite that first and second inspection regions are scanned and also Claim 9 has been amended to recite a scanning unit and a comparing unit. The claim

amendments find support in Figures 1-3 and their corresponding description in the specification. No new matter has been added.

Briefly recapitulating, amended Claim 1 is directed to a pattern inspecting method that includes, *inter alia*, preparing a sample having first and second inspection regions, scanning the first inspection region to a first direction using an imaging device to obtain a first measurement pattern, scanning the second inspection region to the first direction to obtain a second measurement pattern, and comparing the first measurement pattern and the second measurement pattern with each other to determine the presence or absence of a defect formed on the sample.

In a non-limiting example Figure 2 shows the scanning in the first direction and Figure 3 shows the first inspection region A and the second inspection region A'. Thus, the first and second inspection regions to be scanned in the same direction exists in the same sample and the first measurement pattern of the first inspection region is compared with the second measurement pattern of the second inspection region. Independent Claim 9 has been amended similar to independent Claim 1.

Turning to the applied art, Isomura shows in Figure 1 a sample 55 having an inspection region A and in Figure 22 another sample 201 having another inspection region F. The outstanding Office Action asserts that the two inspection regions A and F correspond to the claimed first and second inspection regions. However, Applicants respectfully submit that Claims 1 and 9 recite that the first and second inspection regions are on **a same sample** and not on **different samples** as shown by Isomara in Figures 1 and 22.

Further, Isomara discloses that pattern data A is scanned on the X direction while pattern data F is scanned on the Y direction, as also recognized by the outstanding Office Action in the first two paragraphs on page 4. However, Applicants note that Claims 1 and 9 recite that the first and second inspection regions are scanned on the same direction.

In addition, the outstanding Office Action asserts that Isomura discloses comparing the first pattern with the second pattern by an element 60 in Figure 1. However, Figure 1 of Isomura shows that pattern A is compared by element 60 with **reference data** corresponding to the same pattern A and the comparison circuit 60 of Isomura does not compare first measurement pattern and second measurement pattern with each other as required by independent Claims 1 and 9.

In other words, the pattern on the mask 55 in Isomura is detected by an image sensor 57 and is compared by the comparison circuit 60, with reference data based on design data as shown in Figure 1 and disclosed at column 4, line 58 to column 5, line 9. Thus Isomura discloses that the image data indicating the single inspection region formed on the mask 55 is compared with reference data and does not teach or suggest that two inspection regions formed on the same sample are compared with each other, as required by amended Claims 1 and 9.

In addition, the outstanding Office Action states on page 4, lines 9-11 that the comparing unit 60 of Isomura compares the first measurement pattern and the second measurement pattern with each other to determine presence or absence of a defect formed on the sample. However, Isomura discloses that the image data indicating the pattern on mask 55 is merely compared with the reference data based on design data and thus, two inspection regions on the same sample are not compared with each other.

Accordingly, it is respectfully submitted that independent Claims 1 and 9 and each of the claims depending therefrom patentably distinguish over Isomura.

Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

EHK/RFF:sjh

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Michael Monaco
Registration No. 52,041